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### **REMARKS**

Applicants traverse all of the rejections in the Office Action and respectfully request reconsideration and passage of the claims to allowance for the following reasons. Claims 1 and 3-21 are currently pending.

#### ***Claims 1 and 3-21 patentable over Goldszmidt/Ohran under §103***

Claims 1 and 3-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,195,680 to Goldszmidt et al. ("Goldszmidt") in view of U.S. Patent No. 5,812,748 to Ohran et al. ("Ohran"). In addition, extensive reference was made in the rejections to U.S. Patent No. 5,918,017 to Attanasio et al. ("Attanasio"), which Goldszmidt incorporated by reference.

According to MPEP §2143, to establish a *prima facie* case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Goldszmidt and Ohran fails to establish a *prima facie* case of obviousness, because the combination fails to teach or suggest all the claim elements. For example, the combination fails to teach or suggest the claimed concurrent processing of session-state data of the video session using a distributed managing module associated with each of the primary head-end controller and at least one secondary head-end controller.

Claim 1 recites, *inter alia*, "wherein said executing said video session comprises concurrently processing session-state data of said video session using a distributed managing module associated with each of said primary head-end controller and said at least one secondary head-end controller".

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Goldszmidt does not teach or suggest the claimed concurrent processing of session-state data of the video session using a distributed managing module associated with each of the primary head-end controller and at least one secondary head-end controller. (See Office Action, page 4.)

In addition, Ohran does not teach or suggest the claimed concurrent processing of session-state data of the video session using a distributed managing module associated with each of the primary head-end controller and at least one secondary head-end controller. Ohran fails to disclose the claimed "concurrent processing of session state data of the video session". Ohran is generally directed to a backup computer system that runs a special mass storage access program that communicates with a mass storage emulator program on the network file server. (See Ohran, abstract; Figure 7; col. 11, line 51 to col. 12, line 6.) The claimed concurrent processing of session state data of a video session is not the same as emulating a mass storage device on the backup computer for the primary computer. Simply put, processing is not the same as storing, writing, or reading. Furthermore, Ohran does not disclose any video sessions. As a result, the combination of Goldszmidt and Ohran lacks the claimed concurrent processing of session-state data of the video session using a distributed managing module associated with each of the primary head-end controller and at least one secondary head-end controller.

Therefore, claim 1 is patentable over the combination of Goldszmidt and Ohran under §103.

Claims 3-10 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements and further defining elements. Therefore, claims 3-102 are also patentable over the combination of Goldszmidt and Ohran under §103 for at least the reasons given above with respect to claim 1.

Claim 11 recites, *inter alia*, "wherein at least one of said managing modules is a distributed managing module and processes session-state data of said video session using at least two of said plurality of head-end controllers". For at least the same reasons given with respect to claim 1, claim 11 is also patentable over the combination of Goldszmidt and Ohran under §103.

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Claims 12-21 depend, directly or indirectly, from claim 11 and, thus, inherit the patentable subject matter of claim 11, while adding additional elements and further defining elements. Therefore, claims 12-21 are also patentable over the combination of Goldszmidt and Ohran under §103 for at least the reasons given above with respect to claim 11.

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**CONCLUSION**

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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